



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

April 26, 2012

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains a pursuit of County position on legislation related to requirements for probation officers to carry firearms; an update on the status of County-advocacy legislation related to: 1) coverage for tobacco cessation services; 2) extensions of design-build authority; and 3) the Safety Net Care Pool fund; and a report on legislation of County interest related to the early release of seriously and terminally ill jail inmates.

Pursuit of County Position on Legislation

AB 1968 (Wieckowski), which as amended on March 29, 2012, would require that a probation officer or a deputy probation officer responsible for a person on probation or Post-Release Community Supervision (PRCS) that is deemed to be high risk, pursuant to a risk-based assessment system, be authorized to carry a firearm while on duty. This bill also would provide that this authorization may only be revoked by the chief probation officer for good cause.

Existing law provides that a probation officer may carry a firearm only if authorized by his or her employing agency and under specified terms and conditions. Currently, approximately 80 percent of county probation departments statewide have some armed officers and many counties review the decision on a case-by-case basis. In Los Angeles County, the Developing Increased Safety through Arms Reduction Management (DISARM) Unit, within the Probation Department, is a specialized unit that pairs deputy probation officers with local law enforcement personnel to perform unannounced searches of probationers and their homes and targets the confiscation of guns, drugs, and other contraband. Probation officers assigned to the DISARM Unit are authorized by the Board of Supervisors and the Probation Department to carry firearms. There are currently 49 probation officers in the DISARM Unit.

"To Enrich Lives Through Effective And Caring Service"

**Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only**

AB 1968 would require any deputy probation officer supervising an individual on probation or PRCS who has been assessed as high-risk per a risk assessment tool to carry a firearm. This measure would change the current practice of allowing probation officers to carry a firearm only with the authorization of their employing agency to requiring that they carry a firearm unless their employing agency can find good cause to revoke that requirement. The bill also would potentially change the peace officer designation of probation officers under the Peace Officers Standards and Training (POST) certification.

According to the Probation Department, AB 1968 would remove the discretion that the Board of Supervisors and the Chief Probation Officer have in determining when and if to authorize probation officers to carry firearms. This measure also would place the burden of establishing good cause to revoke the requirement that a probation officer carry a firearm on to probation departments. Finally, probation officers generally supervise a variety of individuals some of whom may be deemed high risk, and AB 1968 would allow a probation officer to carry a firearm even if just one individual on their caseload is assessed as high risk. As such, this measure would likely affect most, if not all of the 520 probation officers that carry an adult caseload.

Additionally, requiring probation officers to carry weapons would necessitate a significant investment in the necessary screening and psychological evaluation of probation officers, as well as, providing firearms training and purchasing firearms and accessories. AB 1968 would also have serious liability implications for counties for issues stemming from the accidental or misuse of a weapon by a probation officer. The bill also could potentially have a significant fiscal impact associated with benefit increases and retirement classification for probation officers. This office is working with the Probation Department, County Counsel and Chief Executive Office to assess the specific programmatic and fiscal impacts to the County.

The Probation Department and this office oppose AB 1968. Therefore, consistent with existing policy to oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promotes a higher priority of the Board and policy to oppose legislation that mandates eligibility of additional employees for safety workers' compensation benefits or safety retirement benefit provisions, **the Sacramento advocates will oppose AB 1968.**

AB 1968 is supported by the Association for Los Angeles Deputy Sheriffs; Los Angeles County Probation Officers' Union, AFSCME, Local 685; Riverside Sheriff's Association and the State Coalition on Probation Organizations. The measure is opposed by the Chief Probation Officers of California.

AB 1968 passed the Assembly Public Safety Committee by a vote of 5 to 1 on April 24, 2012. The bill now proceeds to the Assembly Appropriations Committee.

Status of County-Advocacy Legislation

County-supported AB 1738 (Huffman), which as introduced on February 17, 2012, would require health care plans and health insurance policies to provide coverage for tobacco cessation services, has been held in the Assembly Health Committee. The Committee Chair, William Monning, has indicated the Assembly is in the process of enacting legislation to establish essential health benefits as required by Federal Health Care Reform; therefore, no individual health care mandate bills, including AB 1738, will move forward this year.

County-support-and-amend AB 1901 (Jones), which as introduced on February 22, 2012, would: 1) extend the sunset date on existing design-build authority granted to counties from July 1, 2014 to July 1, 2016; 2) eliminate the project cost threshold that authorizes projects in excess of \$2.5 million to use the design-build method; and 3) modify the annual reporting requirements that counties must submit to the Legislative Analyst's Office, was amended on April 17, 2012 to revise the dollar limitation on the authorization to projects costing more than \$1.0 million.

The Department of Public Works (DPW) indicates that while the amendments to reduce the minimum contract amount on county projects using the design-build method to \$1.0 million are not as beneficial as eliminating the proposed dollar limitation entirely, AB 1901 would increase DPW's ability to implement smaller scale design-build projects.

For this reason, DPW recommends that the County continue to support AB 1901 and request that it be amended to eliminate the sunset date. Therefore, **the Sacramento advocates will continue to support AB 1901 and request that it be amended to delete the existing sunset date**

AB 1901 failed passage in the Assembly Local Government Committee by a vote of 1 to 3 on April 25, 2012, but was granted reconsideration. This measure is awaiting a hearing in the Assembly Local Government Committee.

County-opposed AB 2096 (V. Pérez), which as amended on April 18, 2012, would allow non-designated public hospitals to submit claims to receive reimbursement from the Safety Net Care Pool fund, will not move forward this year because the sponsors of this measure, the District Hospital Leadership Forum, were unable to resolve issues raised by the opponents of the bill.

County-support-and-amend SB 1509 (Simitian), which as introduced on February 24, 2012, would delete the existing sunset date on the authority of school districts to enter into design-build contracts for the design and construction of a school facility, was amended on April 18, 2012 to delete the existing sunset date on the

authority of community colleges to use design-build for the design and construction of a community college facility, making the authority operative indefinitely.

The Department of Public Works indicates that the amendments to extend permanent design-build authority to community colleges would further establish a precedent that would benefit establishing a permanent authority for counties to use the design-build method. Therefore, **the Sacramento advocates will continue to support SB 1509 and request that it be amended to delete the existing sunset date on the authority of counties to enter into design-build contracts.**

This measure is scheduled for a hearing in Senate Appropriations Committee on April 30, 2012.

Legislation of County Interest

SB 1462 (Leno), which as amended on April 9, 2012, would authorize a sheriff to release a prisoner from county jail after conferring with a physician overseeing the provision of medical care at the county jail, if the sheriff determines the prisoner would not reasonably pose a threat to public safety and the prisoner is deemed to have a life expectancy of six months or less. The bill also would authorize a sheriff to request the court to grant medical probation or re-sentence a prisoner to medical probation in lieu of jail time, if the prisoner is physically incapacitated with a medical condition that renders the prisoner permanently unable to perform activities of basic daily living, resulting 24-hour care or if the person requires acute long-term inpatient rehabilitation services.

Existing law establishes medical parole (Chapter 405, Statutes of 2010) and compassionate medical release (Chapter 740, Statutes of 2007), which allow the California Department of Corrections and Rehabilitation to release State prison inmates early if they are permanently medically incapacitated, cannot perform activities of basic daily living, require 24-hour care or long-term inpatient rehabilitation services, or have been determined by a physician to have less than six months to live, and have been assessed and determined to not pose a risk to public safety.

As a result of the 2011 Public Safety Realignment, Senator Leno introduced SB 1462 to extend similar release options to sheriffs to manage inmate populations in county jails. SB 1462 would create both a compassionate medical release program for county jail inmates determined by a physician to have less than six months to live and medical probation for those sentenced county jail inmates that are medically incapacitated and who require intensive and long-term medical care. SB 1462 would require the sheriff to request the court to order an individual released to medical probation and to notify the court prior to the compassionate medical release of an inmate. For individuals released under medical probation, the bill allows probation or the court to request a medical reexamination of the individual to determine ongoing qualification for medical probation.

Each Supervisor
April 26, 2012
Page 5

As amended on April 9, 2012, the bill would further require the sheriff to secure a placement option in the community for the inmate and collaborate with the county welfare agency, or appropriate department, to assess the inmate's eligibility for Federal or other medical benefits prior to a compassionate medical release or release on medical probation.

SB 1462 would allow sheriff's departments to release inmates who are seriously ill and medically incapacitated or have been diagnosed with a terminal illness and have less than six months to live. These inmates require intensive medical care with some individuals needing 24-hour care often in a hospital setting which necessitates sheriff's deputies being stationed with the inmate to provide security and supervision. Providing the needed care for seriously or terminally ill inmates is costly and the jail environment is often not equipped for such intensive medical and/or hospice care.

This office will continue to work with the Probation Department, the Sheriff's Department, and the Department of Health Services to analyze the bill.

SB 1462 is co-sponsored by the Los Angeles County Sheriff and the California State Sheriff's Association and is supported by the Chief Probation Officers Association; California Public Defenders Association; California Probation, Parole and Correctional Association; California Catholic Conference; and Legal Services for Prisoners with Children. The bill is opposed by the California District Attorneys Association and Crime Victims United of California.

SB 1462 passed the Senate Public Safety Committee by a vote of 5 to 2 on April 17, 2012. The bill will be heard in the Senate Appropriations Committee on April 30, 2012.

We will continue to keep you advised.

WTF:RA
MR:KA:IGEA:sb

c: All Department Heads
Legislative Strategist